

# HOUSE BILL 757

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CF SB 605

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By: **Delegates Luedtke and Wilson**

Introduced and read first time: February 9, 2012

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Children in State–Supervised Care – Geographical Attendance**  
3 **Area**

4 FOR the purpose of authorizing a child to remain in a school in a certain geographical  
5 attendance area regardless of whether the child resides within the area under  
6 certain circumstances; requiring that certain determinations regarding the best  
7 interests of certain children in State–supervised care be made in accordance  
8 with certain factors; requiring a county superintendent to allow a child to  
9 remain at a certain school in the county regardless of where the child is  
10 currently domiciled under certain circumstances; requiring the Secretary of  
11 Human Resources to adopt certain regulations establishing certain factors  
12 relating to the best interests of certain children; and generally relating to  
13 authorizing a child in State–supervised care to remain in a school regardless of  
14 whether the child resides in the geographical area of the school.

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 4–109 and 7–101(b)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Education**

23 4–109.

24 (a) Subject to approval by the State Superintendent and in accordance with  
25 the applicable bylaws, rules, and regulations of the State Board, a county board may  
26 establish a public school if, in its judgment, it is advisable.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) On approval by the State Superintendent, any school established under  
2 this section becomes a part of the State program of public education.

3 (c) (1) With the advice of the county superintendent, the county board  
4 shall determine the geographical attendance area for each school established under  
5 this section.

6 (2) **REGARDLESS OF WHETHER A CHILD RESIDES WITHIN A  
7 SCHOOL'S GEOGRAPHIC ATTENDANCE AREA, THE CHILD MAY REMAIN AT THE  
8 SCHOOL THE CHILD HAS BEEN ATTENDING IF:**

9 (i) **THE CHILD IS A CHILD IN STATE-SUPERVISED CARE, AS  
10 DEFINED IN § 8-501 OF THIS ARTICLE; AND**

11 (ii) **THE LOCAL DEPARTMENT OF SOCIAL SERVICES, THE  
12 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPARTMENT OF  
13 JUVENILE SERVICES DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE  
14 CHILD TO CONTINUE AT THAT SCHOOL.**

15 (3) **THE DETERMINATION OF THE BEST INTERESTS OF A CHILD IN  
16 STATE-SUPERVISED CARE UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL  
17 BE MADE IN ACCORDANCE WITH THE FACTORS UNDER THE REGULATIONS  
18 ADOPTED IN ACCORDANCE WITH § 7-101(B)(2)(III) OF THIS ARTICLE.**

19 7-101.

20 (b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of  
21 this subsection, each child shall attend a public school in the county where the child is  
22 domiciled with the child's parent, guardian, or relative providing informal kinship  
23 care, as defined in subsection (c) of this section.

24 (2) (i) Upon request and in accordance with a county board's  
25 policies concerning residency, a county superintendent may allow a child to attend  
26 school in the county even if the child is not domiciled in that county with the child's  
27 parent or guardian.

28 (ii) **REGARDLESS OF WHERE THE CHILD IS CURRENTLY  
29 DOMICILED, A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD TO REMAIN AT  
30 ANY SCHOOL IN THE COUNTY THAT THE CHILD HAS BEEN ATTENDING, IF:**

31 1. **THE CHILD IS A CHILD IN STATE-SUPERVISED  
32 CARE, AS DEFINED IN § 8-501 OF THIS ARTICLE; AND**

1                   **2. THE LOCAL DEPARTMENT OF SOCIAL SERVICES,**  
2 **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DEPARTMENT**  
3 **OF JUVENILE SERVICES DETERMINES THAT IT IS IN THE BEST INTERESTS OF**  
4 **THE CHILD TO CONTINUE AT THAT SCHOOL.**

5                   **(III) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT**  
6 **REGULATIONS ESTABLISHING FACTORS THAT SHALL BE CONSIDERED IN**  
7 **DETERMINING THE BEST INTERESTS OF A CHILD IN STATE-SUPERVISED CARE**  
8 **IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

9                   (3) If a child fraudulently attends a public school in a county where  
10 the child is not domiciled with the child's parent or guardian, the child's parent or  
11 guardian shall be subject to a penalty payable to the county for the pro rata share of  
12 tuition for the time the child fraudulently attends a public school in the county.

13                   (4) Nothing in this section alters the requirements for out-of-county  
14 placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any  
15 other State or federal law.

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2012.